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PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

**DIVISIONAL FOREST OFFICER,
KURNOOL DIVISION, KURNOOL**

DISCIPLINARY ACTION AGAINST Smt. K.V. SUBBALAKSHMI, F.B.O (VFW) FORMERLY YAPARLAPADU BEAT OF KURNOOL RANGE - A.O.C ISSUED VIDE ARTICLE 1 & 2 - APPOINTMENT OF INQUIRY OFFICER - EX-PARTE ENQUIRY FINDINGS FURNISHED - EXPLANATION NOT RECEIVED - FINAL ORDERS ISSUED.

- Ref : 1. D.F.O, Kurnool Rc No.741/2016/H10, Dt: 13.05.2016
2. D.F.O, Kurnool Rc No.741/2016/H4, Dt: 25.01.2018
3. This office Rc.No.1578/2016/H4, Dt: 31.10.2018.
4. F.R.O, Kurnool Rc.No.09/2016 FRO(K), Dt: 29.11.2018.
5. C.C.F, Kurnool Rc.No.2854/2016/M1, Dt: 27.12.2018.
6. This office Rc.No.1578/2016/H4, Dt: 21.01.2019.
7. AP State Gazette Published by Authority, Amaravathi W.No.6, G.763, Date: 08.02.2019.

Rc. No.1578/2016-H.4,- In the reference 1st cited, an A.O.C was issued against Smt. K.V.Subbalakshmi, F.B.O (VFW) formerly Yaparlapadu Beat of Kurnool Range on following counts.

Article I : That the said Smt K.V.Subbalakshmi, F.B.O (VFW) formerly Yaparlapadu Beat of Kurnool Range has grossly neglected her legitimate duties in Raising of nurseries and Conversion of 5"x9" bags into 8"x12" bags under M.G.N.R.E.G Scheme and also disobedience of instructions of the Superior Officers.

The charged officer has acknowledged receipt of A.O.C on 12.09.2016 and submitted her explanation which is received in this Office on 07.10.2016. Not convincing with the explanation of charged officer, the F.R.O, Kurnool Range was appointed as Inquiry Officer and the F.S.O, Bethamcherla was appointed as Presenting Officer in connection with disciplinary case of Smt K.V.Subbalakshmi, F.B.O (VFW) vide D.F.O, Kurnool Rc.No.741/2016/H10, Dt: 09.12.2016.

In the reference 2nd cited, an Article of II charge was issued against Smt. K.V.Subbalakshmi, FBO (VFW) on following counts.

Article II: That Smt. K.V.Subbalakshmi F.B.O. (VFW) formerly Yaparlapadu Beat of Kurnool Range of Kurnool (T) Division has grossly neglected her legitimate duties resulting in unauthorized absence to duty w.e.f., 12.05.2016 in violation of Sec.157 of A.P. Forest Code and Rule-3 of A.P.C.S (Conduct) Rules, 1964.

Basis of Charge :

Smt K.V.Subbalakshmi, F.B.O (VFW) while working in Yaparlapadu beat of Kurnool Range has applied for sanction of leave from 12.05.2016 to 12.06.2016 vide her application dated.11.05.2016, which was rejected vide this office Rc.even No., Dt: 12.05.2016 in view of the execution of the ongoing works in Yaparlapadu beat of Kurnool Range which are time bound and schedule to complete. Accordingly, she was directed to report duty immediately failing which further action will be initiated against her as per agreement conditions and rules in force.

Further, a notice was also issued to Smt. K.V.Subbalakshmi, FBO (VFW) vide this Office Rc.No.741/2016/H10, dt.01.06.2016 on following counts.

- i. A explanation memo was issued to against her vide this office Rc.No.741/2016/H10, Dt: 27.02.2016 for not completing the works in Central Nursery in Yaparlapadu beat of Kurnool Range and directed her to submit the explanation for disobedience of the instructions of superiors and show cause why disciplinary action shall not be taken against her for negligence of duty. She has not submitted her explanation even lapse of three months though she acknowledged the receipt of explanation on 05.03.2016.
- ii. An AOC was issued against her for not completing the works in her Beat and failed to discharge her legitimate duties as assigned in Sec.157 of A.P. Forest Code and Rule 3 of AP Conduct Rules, 1964 vide this office Rc.No.741/2016/H10, Dt: 13.05.2016.
- iii. Though the leave applied by her was rejected and directed her to join duty duly informing the agreement conditions of her service to the Department. She acknowledged the receipt of notice on 12.09.2016 and submitted her explanation dated.04.10.2016 with a request to allow her to join duty. Though she was directed to join duty immediately in the exigency of service, she had just submitted her joining report, but leave the headquarters without prior permission from the Competent authority on the flimsy reasons and to evade to join duty and proceeded on unauthorizedly absence to duty since a long without permission from the Competent Authority by violating the Conduct rules which clearly speaks her negligency towards legitimate duties and disobedience of orders of the Superiors. Thus she violated the following agreement conditions being appointed on contract basis.

Agreement condition No.4: speaks that “the first party reserves the right to terminate the contract appointment at any time without assessing any reason by giving 1 month notice to the second party or by paying the one month emoluments in lieu thereon”.

Agreement condition no.7: The second party shall have to work within the frame work of the Department policies and directions as may be issued to second party by the department/ Appointing authority from time to time.

In this regard she has failed to work as per Departmental policy and direction. Due to her negligence nursery works could not be completed and she violated the department rules. She has not submitted her explanation till date even after lapse of (3) months which is serious lapse on her part and disobedience of the superior instructions.

Agreement condition no.10: The absences of second party (VFW) for a continuous period of (10) days or overstayed for period of (10) days after expiry of leave the contract shall automatically come to an end, without any notice or intimation from the 1st party (Divisional Forest Officer).

From the above norms, her services are became unsatisfactory and why her services shall not be discontinued in violation of agreement conditions.

Further, the Government vide G.O.Ms.No.127, G.A(Ser-C), Dept., Dt: 15.09.2017 while amended the rule 9 of A.P.C.S (C.C&A) Rules, 1991 the following provisions are incorporated.

- I. After Clause (ix) of Rule 9 of said rules the following shall be incorporated;

Provided that a Government Servant shall be deemed to have been removed from service, if he/she:

- (a) Is absent from duty without authorization for a period exceeding one year; or
Provided further that a show cause notice to explain the reasons for such absence from duty before invoking the above said proviso.

- II. In clause (i) of Rule 25 of the said rules the following shall be incorporated.
“Misconduct leads to a penalty imposed as per 1st proviso under Rule 9 (ix) of these rules, or”

It is obvious from the above that you have grossly neglected your legitimate duties and unauthorized absented from duty beyond one year, resulting in failure to maintain absolute integrity, discipline which amounts to misconduct, misbehavior and unbecoming of a Government servant in violating of Sec. 157 of A.P. Forest Code, rule 3 of AP Civil Services and also violated the prescribed agreement conditions pertaining to her service in the Department. Hence, the charge.

The FRO, Kurnool Range and Inquiry Officer was further instructed to communicate the Article-II to Smt K.V.Subbalakshmi, FBO (VFW) and also conduct enquiry against Charged Officer and submit the report of findings to this office for taking further action in connection with disciplinary case of above Charged Officer.

In the reference 4th cited, the Inquiry officer has submitted the following ex-parte enquiry findings against Smt K.V.Subbalakshmi, FBO (VFW) formerly Yaparlapadu beat of Kurnool Range.

The Inquiry Officer stated that, Smt. K.V.Subba Lakshmi, FBO (VFW) has applied leave from 12.05.2016 to 12.06.2016 vide her application dated.11.05.2016 and the same was rejected by the Divisional Forest Officer, Kurnool Dt.12.05.2016. The individual was also directed to re-join duty immediately in view of time bound seasonal works in her jurisdiction. But, the individual though acknowledged the receipt of the notice on 12.09.2016, she failed to rejoin duty till to date and her whereabouts are not known in spite of suitable efforts taken to communicate the Article of Charge- II which contains her unauthorized absence from duty since more than one year. Further, he stated that the A.B.O of Gargeyapuram Beat of Kurnool Range was directed to serve the Article of Charge-II duly obtaining her acknowledgement for having receipt of the A.O.C. IN turn, the said A.B.O has reported that though he had taken efforts to trace out her address as per available records in this office but, in vain. The A.B.O has given the statement stating that the whereabouts of Smt. K.V.Subba Lakshmi, F.B.O (VFW) are not traced out. Hence, the A.O.C could not served on her. Keeping in view of above circumstance, the Inquiry Officer has submitted ex-parte findings against Smt. K.V.Subbalakshmi, F.B.O (VFW) in connection with disciplinary case against her.

Findings with regards to Article of Charge-I :

The Inquiry Officer stated that there is negligence on the part of Charged Officer Smt. K.V.Subba Lakshmi, F.B.O (VFW) formerly Yaparlapadu Beat of Kurnool Range as she had delayed in execution of Nursery Works and disobeyed the orders of the Superiors and failed to discharge her legitimate duties assigned in Section 157 of A.P. Forest Code. Though the works completed later, the fact remains that the charged officer cannot absolve from the charges being a responsible Beat Officer in the Department.

Findings with regards to Article of Charae-II :

The Inquiry Officer stated that Smt. K.V.Subba Lakshmi, F.B.O (VFW) has violated the conditions No.4, 7 & 10 of the agreement and disobeyed the orders of Superiors and left the Forests to natural care. It is a fact that there is dislocation of Beat administration due to her long unauthorized absence to duty in violation of Rules-3 of A.P. Civil Service Conduct Rules, 1964 as the individual is un-authorizedly absent to duty since 12.05.2016 onwards i.e., since about three years.

He also added that as per G.O.Ms. No.127, G.A. Ser. C., Dept. Dt: 15.09.2017 while amended the Rule.9 of A.P.C.S. (CC & A) Rules, 1991, in case the Government Servant shall be deemed to have been removed from service, if she absent from duty without authorization for a period of exceeding one year/provided further a show cause notice to explain the reasons for such absence for duty before invoking the above said proviso. Further, in clause(i) of Rule-25 of the said Rules, it was specified that misconduct leads to a penalty imposed as per first proviso under Rule 9(ix) of these Rules.

From the above lapses and misconduct on the part of Charged Officer it is obvious from the charges leveled against the C.O that she had unauthorized absence from duty beyond one year resulting in failure to maintain discipline which amounts to misconduct, misbehavior and unbecoming of a Government Servant in violating of Section 157 of A.P., Forest Code and read with Rule.3 of A.P., Civil

Service Conduct Rules 1964 and also violated the prescribed agreement conditions pertaining to her contract services in the Department, the charges leveled against Smt. K.V.Subba Lakshmi, Ex. FBO (VFW) are proved beyond any reasonable doubt since her whereabouts are not known though the efforts taken to recall her to join duty on administrative exigency.

The above circumstances were reported to the Chief Conservator of Forests, Kurnool Circle, Kurnool and requested further instructions in the matter. In compliance to the instructions issued in the reference 5th cited, the Commissioner, Government Central Press, Vijayawada has been addressed vide reference 6th cited with a request to publish the Article of Charge against Smt K.V.Subbalakshmi, F.B.O (VFW) formerly Yaparlapadu beat of Kurnool Range in A.P State Gazette and communicate a copy of Publication to this Office for further necessary action.

According to reference 7th cited, the Article of Charge against Smt K.V.Subbalakshmi, F.B.O (VFW) formerly Yaparlapadu Beat of Kurnool Range was published in A.P. State Gazette.

On thorough examination and consideration of the Article of Charges, ex-parte enquiry findings and communication of Article of Charge against Charged Officer in A.P State Gazette, it is revealed that Smt K.V.Subbalakshmi, F.B.O (VFW) formerly Yaparlapadu Beat of Kurnool Range is continuously unauthorized absent to duty since 12.05.2016 onwards i.e. more than 2 years and her whereabouts are not known. The Article of Charge also published in A.P State Gazette for communication as an intimation to her on 08.02.2019 since then, neither any representation is received from her to this Office nor she has reported before the D.F.O, Kurnool to permit her rejoin duty, which clearly proves her negligence on her part and her unauthorized absence from duty since more than 2 years in violation of agreement conditions being contractual employee in the Department. Thus, the Charges leveled against her unauthorized absence to duty and neglect of duties being an uniformed staff is proved beyond any reasonable doubt. Accordingly, the following orders are passed.

ORDER:

Smt K.V.Subbalakshmi, F.B.O (VFW) formerly Yaparlapadu Beat of Kurnool Range of Kurnool Division who was appointed on contract basis is hereby terminated from contractual services with immediate effect.

An appeal against these orders lies with the Addl. Prl. Chief Conservator of Forests, Kurnool Circle, Kurnool if preferred within (3) months from the date of issue of this orders/communication in A. P. State Gazette.

Receipt of the proceedings should be acknowledged .

D. CHANDRASEKHAR RAO,
*Divisional Forest Officer,
Kurnool Division,
Kurnool.*

Dated: 27-04-2019.

To
Smt K.V.Subbalakshmi, FBO (VFW) formerly Yaparlapadu Beat
through the Forest Range Officer, Kurnool Range.